

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/30/2010 has been entered.

Response to Arguments

Applicant's arguments filed 4/30/2010 have been fully considered but they are not persuasive.

Applicant has amended claim 1 and all corresponding independent claims to incorporate the limitations of claim 5 and all corresponding dependent claims. Applicant argues that Graves fails to teach "**wherein each programming theme is selectable as a search criterion for searching program listings data**". The Examiner respectfully disagrees.

As stated in the previous Office Action, Graves discloses these limitations at Column 9, Lines 35-42 for the selected programming themes that are ranked by the viewer are used to search for a subset of program listings data to display to the viewer. Further note that Graves discloses that a selected theme and selected value

corresponding to the theme are both used as search criterion for determining what program listing to display to a viewer's electronic program guide (see **Column 6, Line 60 through Column 7, Line 4 and Column 7, Lines 37-60 in conjunction with Figure 5 and further note Column 6, Lines 5-8 for the incoming programs containing the program listings data in the content headers of the incoming programs**).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-7, 9-13, 15-16, 18-24, 26-36, 39-43, 45-48 and 50-51, 53-57, 59-60, 62-69, 71-72, 74-81, 83-84, 86-90, 92-93, 95-98, 100-102, 104-106, 108-109 and 111-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graves et al. (U.S. Patent No. 5,410,344) in view of Roth (U.S. Patent No. 6,583,797).

Referring to claim 1, Graves discloses an interactive television program guide system in which an interactive television program guide is at least partially implemented on user equipment of a user (see **Figures 2 and 5**).

Graves also discloses means for displaying a list of programming themes (see **Figure 5**), wherein the programming theme is selectable as a search criterion for

searching program listings data (see Column 9, Lines 35-42 and further note Column 6, Line 60 through Column 7, Line 4 and Column 7, Lines 37-60 in conjunction with Figure 5 and further note Column 6, Lines 5-8 for the incoming programs containing the program listings data in the content headers of the incoming programs).

Graves also discloses means for providing an option with the interactive television program guide for the user to select a programming theme from the list of programming themes (see Figure 5 for allowing a user to select one of the themes) and a level of interest in that selected programming theme (see Figure 5 for selecting a level of interest in the form of a score between 1 and 10).

Graves fails to teach means for modifying the list of programming themes based on the selected theme and level of interest.

Roth discloses displaying a list of programming themes and selecting rankings for each programming theme (see Figure 11-12). Roth further discloses means for modifying the list of programming themes based on the selected theme and level of interest (see Figures 11-12 and Column 15, Line 60 through Column 17, Line 32).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the list of ranked programming themes, as taught by Graves, using the programming theme display ranking process, as taught by Roth, for the purpose of providing the improvement of instructing the menu management mechanism to maintain a certain menu order within a given menu (see Column 2, Lines 6-10 of Roth).

Referring to claim 2, Graves discloses that the means for providing the option for the user to select a programming theme and a level of interest in that programming theme comprises providing an option for the user to designate a high level of interest in the selected programming theme **(see Figure 5 for an option to select an interest level of 8, 9 or 10 which represents a high level of interest of the programming theme)**.

Referring to claim 3, Roth discloses that the means for modifying the list of programming themes comprises means for displaying the list of programming themes comprises means for displaying the list of programming themes with the selected programming theme at the top of the list **(see Figures 11-12 and Column 16, Lines 9-36)**.

Referring to claim 4, Roth discloses that the means for modifying the list of programming themes comprises means for displaying the list of programming themes comprises means for shifting the remaining programming themes to a lower position on the list **(see the rejection of claim 3 where selecting an item from the bottom of the list to appear at the top of the list inherently places the remaining items at lower positions in the list)**.

Referring to claim 6, Graves discloses means for searching the program listings data for programming satisfying the search criterion in a database maintained by the interactive television program guide (**see Column 9, Lines 35-42 for the selected programming themes that are ranked by the viewer are used to search for a subset of program listings data to display to the viewer**).

Referring to claim 7, Graves discloses that the interactive television program guide maintains the database on the user equipment (**see the rejection of claim 6**).

Referring to claim 9, Graves discloses means for displaying a list of programming satisfying the search criterion (**see Column 9, Lines 35-42 for the selected programming themes that are ranked by the viewer are used to search for a subset of program listings data to display to the viewer**).

Referring to claim 10, Graves discloses that the means for providing the option for the user to select a programming theme and a level of interest in that programming theme comprises providing an option to designate a low level of interest in the selected programming theme (**see Figure 5 for an option to select an interest level of 1, 2 or 3 which represents a low level of interest of the programming theme**).

Referring to claim 11, Roth discloses that the means for modifying the list of programming themes comprises means for displaying the list of programming themes

with the selected programming theme at the bottom of the list (**see the rejection of claim 3 where selecting an item from the bottom of the list to appear at the top of the list inherently places the remaining items at lower positions in the list**).

Referring to claim 12, Graves discloses that the means for modifying the list of programming themes comprises means for deleting the selected programming theme from the list of programming themes (**see Column 6, Lines 46-49 for when themes are ranked lower than the ten items to be displayed from the preferred viewing file, the lowest ranked themes are removed from the list**).

Referring to claim 13, Roth discloses that the means for providing an option for the user to select a programming theme and a level of interest in that programming theme comprises means for numerically designating a position for the selected programming theme in the list of programming themes (**see the rejection of claim 3**).

Referring to claim 15, Graves discloses means for searching program listings data stored in a database maintained by the interactive television program guide while using the selected programming theme as a search criterion (**see Column 9, Lines 35-42 for the selected programming themes that are ranked by the viewer are used to search for a subset of program listings data to display to the viewer**).

Referring to claim 16, Graves discloses that the interactive television program guide maintains the database on the user equipment (**see Figure 2**).

Referring to claim 18, see the rejection of claim 9.

Referring to claim 19, Graves discloses means for storing the selected programming theme and level of interest (**see the personal preference file 32a in Figure 2 and Column 6, Lines 5-16 for storing the selected programming theme and level of interest**).

Referring to claim 20, Graves discloses that the user equipment is user personal computer equipment (**see Figure 2**).

Referring to claim 21, Graves discloses that the user equipment is user television equipment (**see Figure 2**).

Referring to claim 22, Graves discloses a server located at a television distribution facility on which at least a portion of the interactive television program guide is implemented (**see content coder 12a in server 12 and system headend 14 and Column 4, Lines 6-21**).

Referring to claim 23, see the rejection of claims 1 and 3.

Referring to claim 24, see the rejection of claim 4.

Referring to claims 26-29, see the rejection of claims 9 and 19-21, respectively.

Referring to claim 30, see the rejection of claims 1, 4 and 11.

Referring to claim 31, see the rejection of claim 12.

Referring to claim 32, Graves discloses providing an option for restoring the deleted programming theme to the theme list (**see Column 6, Lines 39-43 for restoring a program to the preferred viewing file 30a based on the higher ranking of the program**).

Referring to claim 33, Graves discloses storing the selected programming theme in a non-volatile memory device (**see Figure 2 for storing the preferred viewing file in memory device 30a**).

Referring to claims 34-35, see the rejection of claims 20-21, respectively.

Referring to claims 36 and 39-42, see the rejection of claims 1, 9, 33 and 20-21, respectively.

Referring to claim 43, see the rejection of claim 1 and further note that the selected programming themes and level of interest are stored in a preference profile (**see stored profile 30a in Figure 2 and Column 6, Lines 12-16**).

Referring to claims 45-48 and 50-51, see the rejection of claims 1-4 and 6-7, respectively.

Referring to claims 53-57, see the rejection of claims 9-13, respectively.

Referring to claims 59-60 and 62-66, see the rejection of claims 15-16 and 18-22, respectively.

Referring to claim 67, see the rejection of claim 1 and further note that when a viewer selects preferred themes in Figure 5, the list is updated according to Column 6, Lines 5-52 thereby creating a second list shown in Roth. Further note that by changing from a first to a second list and further being able to change the priority display values at any time by the user, as taught by Roth, Roth therefore provides a means for alternating between display the first list of programming and the second list of programming themes.

Referring to claim 68, see the rejection of claim 67.

Referring to claims 69, 71-72 and 74-77, see the rejection of claims 2, 6-7, 9 and 19-21, respectively.

Referring to claims 78-81, 82-84, 86-90, 92-93 and 95-96, see the rejection of claims 1-4, 6-7, 9-13, 15-16 and 18-19, respectively.

Referring to claims 97-98 and 100-101, see the rejection of claims 17, 1, 6 and 9, respectively.

Referring to claim 102, Graves discloses providing an option for creating a preference profile with which the selected programming theme and the respective level of interest are associated (**see Figure 5 and Column 6, Lines 5-16 for a user interface used to create a preferred viewing file 30a in Figure 2**).

Referring to claims 104-106, 108-109 and 111-112, see the rejection of claims 67-72 and 74-75.

Claims 8, 14, 17, 37, 44, 52, 58, 61, 73, 85, 91, 94, 99, 103, 110 and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graves et al. (U.S. Patent No. 5,410,344) in view of Roth (U.S. Patent No. 6,583,797)

Referring to claim 8, Graves and Roth disclose all the limitations of claim 6, as well as a server located at a television distribution facility on which at least a portion of the interactive television program guide is implemented (**see Figure 2 for the content coding server and headend**), but fail to teach that the interactive television program guide maintains the database on the server.

The Examiner takes Official Notice to the fact that a television system is capable of recording viewer selections from a program guide and transmitting the selected information to the headend to be processed and used to configure the program guide.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the headend, as taught by Graves and Roth, using the viewer selection processing functionality at the headend, as taught by the Examiner's Official Notice, for the purpose of requiring less processing functionality at the viewer's client device thereby requiring a cheaper television client device.

Referring to claim 14, Graves and Roth disclose all of the limitations of claim 1, but fail to teach displaying the selected programming theme in a predetermined color.

The Examiner takes Official Notice to the fact that a television system can display a selected programming theme in a predetermined color.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the display screen, as taught by Graves and Roth, to include color coding, as taught by the Examiner's Official Notice, for the purpose of clearly distinguishing programs by theme on the EPG, thereby providing a user friendly program guide that allows a user's to quickly make program selections.

Referring to claim 17, see the rejection of claim 8.

Referring to claim 37, see the rejection of claim 14.

Referring to claim 44, Graves and Roth disclose all of the limitations of claim 1, but fail to teach multiple profiles, where the system provides an option of selecting which of the profiles to make active.

The Examiner takes Official Notice to the fact that television receivers store multiple profiles and that based on which user (Mom, Dad, Kids) are using the television receiver, the profile for that user is activated based on a user selectable option.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the television program guide system, as taught by Graves and Roth, using the multiple profiling system, as taught by the Examiner's Official Notice, for the purpose of allowing different users to receive preferred television programming.

Referring to claim 52, see the rejection of claim 8.

Referring to claim 58, see the rejection of claim 14.

Referring to claim 61, see the rejection of claim 17.

Referring to claim 73, see the rejection of claim 8.

Referring to claims 85, 91 and 94, see the rejection of claim 8, 14 and 17, respectively.

Referring to claim 99, see the rejection of claim 14.

Referring to claim 103, see the rejection of claim 44.

Referring to claims 110 and 113, see the rejection of claim 73.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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